

# HOUSE JOURNAL

## ELEVENTH DAY

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### MORNING SESSION

The House was called to order by Speaker Stephens at 10:10 a.m.

Roll call showed all members present.

Pledge of Allegiance and prayer by Reverend Tom Goldsmith, Minister, First Unitarian Church. A guest of Representative Ty McCartney.

### COMMUNICATIONS FROM THE SENATE

Mr. Speaker: January 29, 2003

The Senate passed, as amended, **S.B. 96**, DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING ACT AMENDMENTS, by Senator P. Julander, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 40**, PAY PLAN - SALARY SURVEY AMENDMENTS, by Senator M. Dmitrich, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 86**, PROHIBITION OF AUTOMATIC RENEWAL OF SERVICE CONTRACTS, by Senator M. Waddoups, and it is transmitted for consideration; and

The Senate passed **S.B. 97**, COUNTY ANNEXATION AMENDMENTS, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed **S.B. 100**, INDIAN AFFAIRS AMENDMENTS, by Senator B. Evans, and it is transmitted for consideration.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 96**, **S.B. 40**, **S.B. 86**, **S.B. 97**, and **S.B. 100**, read the first time by short title and referred to the Rules Committee.

### REPORTS OF STANDING COMMITTEES

Mr. Speaker: January 29, 2003

The Business and Labor Committee reports a favorable recommendation on **S.B. 83**, OCCUPATIONAL AND PROFESSIONAL LICENSING MODIFICATIONS, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 94**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 90**, EQUIPMENT DEALER WARRANTY REIMBURSEMENT ACT, by Representative D. Peterson, with the following amendments:

1. Page 2, Line 31:  
After “catalog” insert “or invoice”
2. Page 2, Line 49:  
After line 49 insert:  
“(c) “Supplier” does not include an independent wholesaler of the items listed in Subsections (4)(a) through (f), who:  
(i) does not manufacture any significant part of the items; and  
(ii) is not owned in any part by the manufacturer.””
3. Page 3, Line 69:  
After “(a)” insert “(i)”
4. Page 3, Line 70:  
Delete “(i)” and insert “(A)”
5. Page 3, Line 72:  
After “hour.” delete “and”
6. Page 3, Line 73:  
Delete “(ii)” and insert “(B)” and after “parts” delete “, the 20%”
7. Page 3, Line 74:  
After “behalf” delete “.” and insert “, and”
8. Page 3, Line 75:  
Delete “plus” and insert “(C) extraordinary” and after line 75 insert:  
“(ii) For purposes of Subsection (4)(a)(i)(C), “extraordinary freight and handling costs” mean costs that are above and beyond the normal reimbursement policy of the supplier for warranty repair work.”
9. Page 4, Line 95:  
Delete “section” and insert “chapter”

The Business and Labor Committee recommends **H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by

Representative S. Urquhart, be replaced and reports a favorable recommendation on **1st Sub. H.B. 48**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS with the following amendments:

1. Page 4, Line 109:  
Delete "city, town or other municipal corporation" and insert "compliance agency as defined in Section 58-56-3(4)"

The Business and Labor Committee reports a favorable recommendation on **S.B. 42**, FRAUDULENT USE OF CREDIT CARD NUMBER, by Senator C. Walker.

The Business and Labor Committee reports a favorable recommendation on **1st Sub. S.B. 6**, RETAILER REQUIREMENTS IN PRINTING FINANCIAL TRANSACTION CARD RECEIPT, by Senator C. Walker; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. S.B. 88**, SECURITY PERSONNEL LICENSING ACT AMENDMENTS, by Senator D. Eastman.

Katherine M. Bryson, Chair

Reports filed. On motion of Representative Bryson, the reports of the Business and Labor committee were adopted.

**S.B. 83, S.B. 94, H.B. 90**, as amended, **Sub. H.B. 48**, as amended, read the second time by short title and placed on the calendar for third reading.

**S.B. 42, Sub. S.B. 6**, and **Sub. S.B. 88**, read the second time by short title and referred to the Rules Committee due to fiscal impact.

## INTRODUCTION OF BILLS

### MANAGEMENT, ENHANCEMENT, AND FUNDING OF 911 SYSTEM

#### **H.B. 114**

*Brad L. Dee*

THIS ACT AMENDS THE EMERGENCY TELEPHONE SERVICES LAW AND THE PUBLIC SAFETY CODE. THE ACT CREATES A 19 CENT PER MONTH STATE FEE ON TELEPHONE SERVICES FOR UNIFIED STATEWIDE 911 EMERGENCY SERVICES. THE ACT PROVIDES FOR THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF TELEPHONE 911 EMERGENCY FEES BY THE STATE TAX COMMISSION. THE ACT DEPOSITS THE TELEPHONE FEES INTO A RESTRICTED

ACCOUNT IN THE GENERAL FUND FOR UNIFIED STATEWIDE 911 EMERGENCY SERVICES. THE ACT REPEALS THE ADVISORY UTAH 911 COMMITTEE IN THE BUREAU OF COMMUNICATIONS IN THE DEPARTMENT OF PUBLIC SAFETY. THE ACT CREATES A NEW STATE UTAH 911 COMMITTEE IN THE DEPARTMENT OF PUBLIC SAFETY TO DEVELOP STATE STANDARDS FOR THE UNIFIED 911 EMERGENCY SYSTEM AND TO ADMINISTER THE FUND. THE ACT ESTABLISHES CRITERIA FOR THE USE OF THE FUND. THE ACT REQUIRES THE UTAH 911 COMMITTEE TO REPORT ANNUALLY TO LEGISLATIVE APPROPRIATIONS. THE ACT AUTHORIZES LOCAL GOVERNMENTS TO INCREASE THE LOCAL LEVY ON TELEPHONE SERVICES FOR 911 EMERGENCY SERVICES FROM A MAXIMUM OF 53 CENTS PER MONTH TO A MAXIMUM OF 75 CENTS PER MONTH. THE ACT MAKES TECHNICAL AMENDMENTS. THE ACT HAS AN EFFECTIVE DATE. THIS ACT HAS A COORDINATION CLAUSE, read the first time by short title and referred to the Rules Committee.

#### **PROPERTY TAX - CALCULATION OF CERTIFIED TAX RATE**

**H.B. 116**

*Ann W. Hardy*

THIS ACT MODIFIES THE PROPERTY TAX ACT TO MODIFY THE CALCULATION OF THE CERTIFIED TAX RATE. THE ACT GRANTS RULEMAKING AUTHORITY TO THE STATE TAX COMMISSION TO PRESCRIBE A PORTION OF THE CALCULATION OF THE CERTIFIED TAX RATE. THIS ACT MAKES TECHNICAL CHANGES. THE ACT TAKES EFFECT ON JANUARY 1, 2004, read the first time by short title and referred to the Rules Committee.

#### **PRELITIGATION PANEL AMENDMENTS**

**H.B. 117**

*Margaret Dayton*

THIS ACT MODIFIES PROVISIONS RELATING TO PRELITIGATION PANELS IN MEDICAL MALPRACTICE ACTIONS. THE ACT ALLOWS THE PANEL'S RESULTS TO BE INTRODUCED IN AN ENSUING COURT ACTION WITH EXPLANATIONS, read the first time by short title and referred to the Rules Committee.

#### **MEDICAL MALPRACTICE AWARDS ADJUSTMENT**

**H.B. 118**

*Margaret Dayton*

THIS ACT MODIFIES PROVISIONS RELATING TO MEDICAL MALPRACTICE ACTIONS. THE ACT PROVIDES A CAP ON

NONECONOMIC DAMAGES EQUAL TO THE LESSER AMOUNT BETWEEN UTAH AND THE FEDERAL STATUTES, AND CREATES A SCALE FOR ATTORNEY'S CONTINGENCY FEES, read the first time by short title and referred to the Rules Committee.

#### **JUDICIAL CONDUCT COMMISSION REVISIONS**

**H.B. 119**

*Katherine M. Bryson*

THIS ACT MODIFIES PROVISIONS PERTAINING TO THE JUDICIAL CONDUCT COMMISSION. THE ACT CLARIFIES THAT A JUDGE FORMALLY CHARGED WITH A CRIME MAY BE SUSPENDED WITHOUT PAY BY THE SUPREME COURT. THE ACT ALSO REQUIRES THAT THE JUDGE BE ACQUITTED AND REINSTATED TO JUDICIAL OFFICE TO RECEIVE PAY AND BENEFITS LOST DURING THE SUSPENSION. THIS ACT ALSO PROVIDES CIRCUMSTANCES UNDER WHICH THE SUPREME COURT MAY SUSPEND OR REMOVE A JUDGE ON ITS OWN MOTION, read the first time by short title and referred to the Rules Committee.

#### **VISION SCREENING CHECKOFF FOR MOTOR VEHICLE REGISTRATION AND DRIVER LICENSE APPLICATION AND RENEWAL**

**H.B. 154**

*Katherine M. Bryson*

THIS ACT MODIFIES THE MOTOR VEHICLES CODE BY CHANGING THE REGISTRATION CHECK OFF NAME FROM BLINDNESS PREVENTION TO VISION SCREENING. THIS ACT INCREASES THE CHECK OFF VOLUNTARY CONTRIBUTION AMOUNT FROM \$1 TO \$2 AND PROVIDES THAT FRIENDS FOR SIGHT, WHICH WAS FORMERLY PREVENT BLINDNESS UTAH, SHALL RECEIVE THE CONTRIBUTIONS. THIS ACT MODIFIES THE PUBLIC SAFETY CODE BY CHANGING THE LICENSE CHECK OFF NAME FROM BLINDNESS PREVENTION TO VISION SCREENING. THIS ACT INCREASES THE VOLUNTARY CONTRIBUTION AMOUNT FROM \$1 TO \$2 AND PROVIDES THAT FRIENDS FOR SIGHT SHALL RECEIVE THE CONTRIBUTIONS. THIS ACT TAKES EFFECT JULY 1, 2003, read the first time by short title and referred to the Rules Committee.

#### **TRANSPORTATION INFRASTRUCTURE IN REDEVELOPMENT AGENCY**

**H.B. 156**

*Todd E. Kiser*

THIS ACT MODIFIES THE REDEVELOPMENT AGENCIES ACT AND THE REVENUE AND TAXATION CODE TO ALLOW UNDER CERTAIN

CIRCUMSTANCES THE USE OF TAX INCREMENT OUTSIDE OF A PROJECT AREA FOR TRANSPORTATION INFRASTRUCTURE PROJECTS RELATED TO A CONVENTION CENTER OR SPORTS COMPLEX. THIS ACT MODIFIES HOW THE CERTIFIED TAX RATE IS TO BE CALCULATED FOR PURPOSES OF PROJECTS THAT GENERATE TAX INCREMENT TO BE USED FOR TRANSPORTATION INFRASTRUCTURE OUTSIDE OF THE PROJECT AREA. THIS ACT ALSO MAKES TECHNICAL CHANGES, read the first time by short title and referred to the Rules Committee.

### **CONTROL OF WOLF POPULATION**

**H.B. 157**

*Michael R. Styler*

THIS ACT MODIFIES THE WILDLIFE RESOURCES CODE TO ALLOW WOLVES TO BE TRANSPLANTED IF CERTAIN CONDITIONS ARE MET, read the first time by short title and referred to the Rules Committee.

### **FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD**

**H.B. 235**

*Katherine M. Bryson*

THIS ACT MODIFIES THE CRIMINAL CODE BY CLARIFYING THAT FALSIFICATION OF A GOVERNMENT RECORD IS A CLASS B MISDEMEANOR ONLY IF THE OFFENSE DOES NOT CONSTITUTE A FRAUD OFFENSE SUBJECT TO A GREATER PENALTY, read the first time by short title and referred to the Rules Committee.

### **UTAH CODE OF CRIMINAL PROCEDURE AMENDMENTS**

**H.B. 238**

*Katherine M. Bryson*

THIS ACT CLARIFIES PROVISIONS OF THE CODE OF CRIMINAL PROCEDURE RELATING TO THE WITHDRAWAL OF GUILTY PLEAS, EXPERT TESTIMONY, SUSPENSION OF SENTENCES, AND THE FILING OF INVESTIGATION RECORDS, read the first time by short title and referred to the Rules Committee.

### **RESOLUTION APPROVING DEEP CREEK - TENDER OF JUDGMENT**

**H.C.R. 10**

*Greg J. Curtis*

A CONCURRENT RESOLUTION OF THE LEGISLATURE AND THE GOVERNOR APPROVING THE TENDER OF \$850,000, PLUS

PREJUDGMENT INTEREST AND REASONABLE ATTORNEYS' FEES IN AMOUNTS DETERMINED APPROPRIATE BY THE DISTRICT COURT, ALL IN SATISFACTION OF THE DISTRICT COURT JUDGMENT FOR SPECIFIC PERFORMANCE, read the first time by short title and referred to the Rules Committee.

### **OFFER OF JUDGMENT IN SETTLEMENT OF CASES RESOLUTION**

**H.J.R. 3**

*John Dougall*

THIS JOINT RESOLUTION MODIFIES THE UTAH RULES OF CIVIL PROCEDURE BY PROVIDING FOR ATTORNEYS' FEES WITH COSTS THAT CAN BE ASSESSED IN A CIVIL ACTION. IT ALLOWS COSTS AND ATTORNEYS' FEES TO BE ASSESSED IF A FINAL AWARD IS NOT MORE FAVORABLE THAN THE OFFER OF JUDGMENT. THIS ACT PROVIDES AN EFFECTIVE DATE, read the first time by short title and referred to the Rules Committee.

### **THIRD READING CALENDAR**

**S.B. 18**, LIEUTENANT GOVERNOR CERTIFICATION OF SPECIAL DISTRICT AND LOCAL DISTRICT ANNEXATIONS, WITHDRAWALS, AND DISSOLUTIONS, read the third time by short title and placed on its final passage.

**S.B. 18** then passed on the following roll call:

**Yeas, 65; Nays, 0; Absent or not voting, 10.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	S. Allen	Anderson
Barrus	Becker	Bennion	Bird
Biskupski	Bowman	Bryson	Bush
Buxton	Christensen	D. Clark	D. Cox
Curtis	Dayton	Dee	Dillree
Donnelson	Dougall	Duckworth	Dunnigan
Ferrin	Ferry	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Hogue	Holdaway	Hughes	E. Hutchings
B. Johnson	Jones	King	Kiser
Last	Lawrence	Litvack	Love
Mascaro	McCartney	McGee	Morgan
Morley	Murray	Newbold	Noel

Pace	Parker	Peterson	Philpot
Seitz	Shurtliff	G. Snow	Styler
Thompson	Ure	Wallace	Winn
M. Stephens			

**Absent or not voting were:** Representatives

Alexander	Bigelow	Bourdeaux	Buffmire
Buttars	S. Clark	Daniels	Lockhart
Moss	Urquhart		

**S.B. 18** was signed by the Speaker in open session, in the presence of the House, and returned to the Senate for signature of the President, enrolling and transmission to the Governor.

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**S.B. 11**, CHILD CARE AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Curtis, the House voted to circle **S.B. 11**.

**MISCELLANEOUS BUSINESS**

On motion of Representative Thompson, under suspension of the rules, the House voted to move to the House Third Reading Calendar.

**THIRD READING CALENDAR**

**Sub. H.B. 5**, PROHIBITION OF COERCIVE RESTRAINT PRACTICES, read the third time by short title and placed on its final passage.

Representative Thompson proposed the following amendment:

1. Page 2, Line 27:  
Delete "or any other unlicensed individual"

Representative Thompson's motion to amend passed on a voice vote.

Representative Ferrin proposed to substitute the bill with **3rd Sub. H.B. 5**. The motion to substitute failed on the following roll call:

**Yeas, 8; Nays, 55; Absent or not voting, 12.**

**Voting in the affirmative were:** Representatives

Aagard	Buttars	D. Cox	Ferrin
B. Johnson	Newbold	Pace	Styler



**Voting in the negative were:** Representatives

Adams	S. Allen	Anderson	Barrus
Becker	Bennion	Bigelow	Bird
Biskupski	Bourdeaux	Bowman	Bryson
Buffmire	Bush	Buxton	Christensen
D. Clark	S. Clark	Daniels	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Goodfellow	Hansen
Hardy	Hogue	Holdaway	Hughes
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Love
Mascaro	McCartney	McGee	Morgan
Morley	Moss	Murray	Noel
Parker	Peterson	Shurtliff	Thompson
Ure	Urquhart	Wallace	

**Absent or not voting were:** Representatives

Alexander	Curtis	Dillree	Gowans
Harper	Hendrickson	E. Hutchings	Philpot
Seitz	G. Snow	Winn	M. Stephens

Representative Buffmire declared a conflict of interest because she is a psychologist. Representative Bourdeaux declared a conflict of interest because he runs a mental health agency.

**Sub. H.B. 5**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 2; Absent or not voting, 5.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Bird	Biskupski	Bourdeaux
Bowman	Bryson	Buffmire	Bush
Buttars	Buxton	Christensen	D. Clark
S. Clark	Daniels	Dayton	Dee
Dillree	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Goodfellow	Gowans
Hansen	Hardy	Harper	Hogue
Holdaway	Hughes	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Love
Mascaro	McCartney	McGee	Morgan

Morley	Moss	Murray	Newbold
Noel	Pace	Parker	Peterson
Philpot	Shurtliff	Styler	Thompson
Ure	Urquhart	Wallace	Winn

**Voting in the negative were:** Representatives

D. Cox	Ferrin
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**Absent or not voting were:** Representatives

Curtis	Hendrickson	Seitz	G. Snow
M. Stephens			

**Sub. H.B. 5**, as amended, transmitted to the Senate for its consideration.

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**Sub. H.B. 34**, AMENDMENTS TO CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL, read the third time by short title and placed on its final passage.

**Sub. H.B. 34** then passed on the following roll call:

**Yeas, 58; Nays, 0; Absent or not voting, 17.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bigelow
Bird	Biskupski	Bourdeaux	Bowman
Bryson	Bush	Buttars	Buxton
Christensen	S. Clark	D. Cox	Daniels
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Goodfellow	Gowans	Hansen
Hardy	Harper	Holdaway	Hughes
E. Hutchings	B. Johnson	Jones	Kiser
Last	Lawrence	Litvack	Lockhart
Love	Mascaro	McGee	Morgan
Morley	Moss	Murray	Newbold
Noel	Pace	Parker	Peterson
Shurtliff	Styler	Thompson	Urquhart
Wallace	M. Stephens		

**Absent or not voting were:** Representatives

Bennion	Buffmire	D. Clark	Curtis
Dayton	Dillree	Ferrin	Ferry

Hendrickson	Hogue	King	McCartney
Philpot	Seitz	G. Snow	Ure
Winn			

**Sub. H.B. 34** transmitted to the Senate for its consideration.

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**H.B. 176**, TERMINATION OF PARENTAL RIGHTS, read the third time by short title and placed on its final passage.

Representative Thompson proposed the following amendment:

1. Page 1, Line 23:  
After "parents" delete "or" and insert "and"

Representative Thompson's motion to amend passed on a voice vote.

**H.B. 176**, as amended, then passed on the following roll call:

**Yeas, 68; Nays, 0; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Becker	Bennion
Bigelow	Bird	Biskupski	Bourdeaux
Bowman	Bryson	Buffmire	Bush
Buttars	Buxton	Christensen	D. Clark
S. Clark	D. Cox	Daniels	Dayton
Dee	Donnelson	Dougall	Duckworth
Dunnigan	Ferry	Goodfellow	Gowans
Hansen	Hardy	Harper	Hendrickson
Holdaway	Hughes	E. Hutchings	B. Johnson
Jones	King	Kiser	Last
Lawrence	Litvack	Lockhart	Love
Mascaro	McGee	Morgan	Morley
Moss	Murray	Newbold	Noel
Pace	Parker	Peterson	Philpot
Shurtliff	Styler	Thompson	Ure
Urquhart	Wallace	Winn	M. Stephens

**Absent or not voting were:** Representatives

Curtis	Dillree	Ferrin	Hogue
McCartney	Seitz	G. Snow	

**H.B. 176**, as amended, transmitted to the Senate for its consideration.

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**H.B. 72**, ALLOCATION OF TOBACCO FUND MONEY TO CHILDREN'S HEALTH INSURANCE PROGRAM, read the third time by short title and placed on its final passage.

On motion of Representative Hogue, the House voted to circle **H.B. 72**.

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**H.B. 15**, STATE ARMORY BOARD AMENDMENTS, read the third time by short title and placed on its final passage.

On motion of Representative Bush, the House voted to circle **H.B. 15**.

#### **RULES COMMITTEE REPORT**

Mr. Speaker: January 30, 2003

The Rules Committee recommends that, under suspension of the rules, the following bill having been read for the second time, be placed on the Third Reading Calendar for Senate bills:

**1st Sub. S.B. 6**      Retailer Requirements in Printing Financial Transaction Card Receipt (C. Walker)

Marda Dillree, Chair

Report filed. On motion of Representative Dillree, the report of the Rules Committee was adopted.

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Mr. Speaker: January 30, 2003

The Rules Committee has ordered the following House bills printed and recommends the following bills and resolutions be assigned to standing committees:

#### **BUSINESS AND LABOR**

**H.B. 219**      Wages for Tipped Employees (D. Ure)

**H.B. 220**      Itemizing Sales and Use Tax Rates (G. Donnelson)

**S.B. 86**      Prohibition of Automatic Renewal of Service Contracts  
(M. Waddoups)

**S.B. 96**      Division of Occupational and Professional Licensing Act  
Amendments (P. Julander)

**GOVERNMENT OPERATIONS**

<b>H.B. 99</b>	Certification of Candidates for Political Offices (N. Hansen)
<b>H.B. 102</b>	Election Day Materials (L. Pace)
<b>H.B. 103</b>	Voter Registration Amendments (L. Pace)
<b>H.B. 215</b>	State Agency - Lobbyist Restriction Amendments (W. Harper)
<b>S.B. 40</b>	Pay Plan - Salary Survey Amendments (M. Dmitrich)
<b>S.B. 100</b>	Indian Affairs Amendments (B. Evans)

**HEALTH AND HUMAN SERVICES**

<b>H.B. 106</b>	Foster Care Guidance Through Providers Contracts (M. Dayton)
<b>H.B. 211</b>	Disabilities Appropriations Nonlapsing (R. Lockhart)
<b>H.B. 212</b>	Primary Care Network Amendments for General Assistance Recipients (K. Holdaway)

**JUDICIARY**

<b>H.B. 93</b>	Suspension of Driving Privileges for Habitual Truants (D. Bourdeaux)
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**LAW ENFORCEMENT AND CRIMINAL JUSTICE**

<b>H.B. 94</b>	Utah Controlled Substances - Extraction and Reduction Labs (D. Bowman)
<b>H.B. 209</b>	Sentencing for Use of Dangerous Weapon (G. Hughes)
<b>H.B. 210</b>	Sexual Abuse of a Child Amendments (M. Thompson)
<b>H.C.R. 8</b>	Resolution Supporting Hill Air Force Base (M. Stephens)

**AGRICULTURE AND ENVIRONMENT**

<b>H.B. 221</b>	Extending the Sales and Use Tax Exemption for Pollution Control Facilities (D. Ure)
<b>H.J.R. 14</b>	Joint Resolution Supporting Action Plan for Public Lands and Education (S. Urquhart)

**POLITICAL SUBDIVISION**

<b>H.B. 228</b>	Local Government Officials Amendments (M. Thompson)
<b>S.B. 97</b>	County Annexation Amendments (C. Walker)

**RETIREMENT AND INDEPENDENT ENTITIES**

**H.B. 225** Retirement Systems Membership Exclusions (B. Dee)

**REVENUE AND TAXATION**

**H.J.R. 13** Joint Resolution Supporting Repeal of Federal Estate Tax  
(C. Buttars)

Marda Dillree, Chair

Report filed. On motion of Representative Dillree, the report of the Rules Committee was adopted.

**MISCELLANEOUS BUSINESS**

On motion of Representative Curtis, the House voted to set **H.B. 171**, PAMELA ATKINSON HOMELESS TRUST ACCOUNT, for Time Certain on February 4, 2002 at 10:30 a.m.

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On motion of Representative Curtis, the House voted to recess until 2:00 p.m.

**AFTERNOON SESSION**

The House was called to order by Speaker Stephens at 2:00 p.m.

**COMMUNICATIONS FROM THE SENATE**

Mr. Speaker: January 30, 2003  
The Senate passed **S.B. 51**, PLANETARIUM AMENDMENTS, by Senator G. Davis, and it is transmitted for consideration; and

The Senate passed, as amended, **S.B. 110**, INDIVIDUAL INCOME TAX - STATE EARNED INCOME TAX CREDIT, by Senator T. Hatch, and it is transmitted for consideration; and

The Senate passed **S.B. 105**, PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS, by Senator D. C. Buttars, and it is transmitted for consideration; and

The Senate passed **S.B. 10**, PRENEED FUNERAL ARRANGEMENT AMENDMENTS, by Senator P. Arent, and it is transmitted for consideration; and

The Senate passed **S.B. 104**, DISCLOSURE OF VEHICLE INFORMATION FOR PRODUCT RECALL, by Senator D. Eastman, and it is transmitted for consideration; and

The Senate passed **S.B. 118**, INDIVIDUAL INCOME TAX - ADOPTION EXPENSES, by Senator C. Walker, and it is transmitted for consideration; and

The Senate passed, **H.C.R. 1**, RESOLUTION URGING REWORKING OF CENSUS DATA COLLECTION PROCEDURES, by Representative M. Stephens, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The President of the Senate has signed **H.B. 165**, REVISOR'S STATUTE, by Representative M. Dillree, and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 30**, PUBLIC TRANSIT DISTRICTS ANNEXATION AMENDMENTS, by Representative D. Cox, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 25**, EXTENSION OF TIMING FOR CREATING A LOCAL DISTRICT, by Representative D. Hogue, which has been signed by the President and it is transmitted for the signature of the Speaker; and

The Senate passed, **H.B. 44**, SUBSTANCE ABUSE AND MENTAL HEALTH AMENDMENTS, by Representative L. Pace, which has been signed by the President and it is transmitted for the signature of the Speaker.

Annette B. Moore  
Secretary of the Senate

Communications filed. **S.B. 51, S.B. 110, S.B. 105, S.B. 10, S.B. 104, and S.B. 118**, read the first time by short title and referred to the Rules Committee.

Communications filed. **H.C.R. 1, H.B. 165, H.B. 30, H.B. 25, and H.B. 44**, were signed by the Speaker in open session, in the presence of the House, and referred to the Rules Committee to be enrolled and transmitted to the Governor.

#### **REPORTS OF STANDING COMMITTEES**

Mr. Speaker: January 30, 2003

The Judiciary Committee reports a favorable recommendation on **H.B. 57**, EXPANSION OF PROTECTIVE ORDER, by Representative L. Shurtliff, with the following amendments:

1. Page 1, Line 25:  
After "felony" delete ". or protective order violation."; and

The Judiciary Committee reports a favorable recommendation on **S.B. 13**, DUI PLEA RESTRICTIONS, by Senator D. C. Buttars.

Ben C. Ferry, Chair

Reports filed. On motion of Representative Ferry, the reports of the Judiciary committee were adopted.

**H.B. 57**, as amended, and **S.B. 13**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker: January 30, 2003

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 191**, AMENDMENTS TO RACIAL PROFILING PROVISIONS, by Representative D. Bourdeaux; and

The Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 194**, SHERIFF CERTIFICATION REQUIREMENTS, by Representative J. Murray, with the following amendments:

1. Page 1, Line 17:  
After “shall” insert “: (a)”
2. Page 1, Line 18:  
After “have” delete “certified as a law enforcement officer according to procedures and requirements of” and insert “successfully met the standards and training requirements established for peace officers under”
3. Page 1, Line 19:  
After “Chapter 6.” delete the remainder of line 19 and insert “Part 2, Peace Officer Training and Certification; and  
(b) be qualified to be certified as a peace officer under Title 53, Chapter 13, Peace Officer Classifications.”
4. Page 1, Line 23:  
After “[~~a county sheriff must~~]” insert “have satisfactorily completed the basic course at a certified law enforcement officer training academy or have passed a certification examination as provided in Section 53-6-206 and”
5. Page 3, Line 80:  
After “office.” delete “and”



6. Page 3, Line 81:  
After “(III) has” delete the remainder of line 81
7. Page 3, Line 82:  
Delete line 82 and insert “successfully met the standards and training requirements established for peace officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification; and (IV) is qualified to be certified as a peace officer under Title 53, Chapter 13, Peace Officer Classifications; and”

DeMar “Bud” Bowman, Chair

Reports filed. On motion of Representative Bowman, the reports of the Law Enforcement and Criminal Justice committee were adopted.

**H.B. 191** and **H.B. 194**, as amended, read the second time by short title and placed on the calendar for third reading.

\* \* \*

Mr. Speaker:

January 30, 2003

The Transportation Committee reports a favorable recommendation on **H.B. 59**, OFF-HIGHWAY VEHICLE PROGRAM FUNDING, by Representative B. Goodfellow, with the following amendments:

1. Page 1, Line 5:  
Delete “eliminating the \$850,000” and insert “increasing the”
2. Page 1, Line 6:  
After “Account” insert “from \$850,000 to \$1,050,000”
3. Page 3, Line 62:  
Reinstate “an amount equal to the lesser of the following: (i)”
4. Page 3, Line 63:  
Reinstate “; or (ii)” and insert “\$1,050,000”; and

The Transportation Committee reports a favorable recommendation on **H.B. 196**, BICYCLE FACILITY STANDARDS, by Representative C. Bennion.

Joseph G. Murray, Chair

Reports filed. On motion of Representative Murray, the reports of the Transportation committee were adopted.

**H.B. 59**, as amended, and **H.B. 196**, read the second time by short title and placed on the calendar for third reading.

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Mr. Speaker:

January 30, 2003

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 198**, EXPANSION OF ACCESS TO FISH AND GAME OPPORTUNITIES, by Representative S. Clark, and recommends it be placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 202**, UTAH ENERGY OFFICE AMENDMENTS, by Representative S. Urquhart, and recommends it be placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 192**, OVERSIGHT OF UTAH CLIMATE CENTER BY UTAH STATE UNIVERSITY, by Representative B. Ferry.

Craig W. Buttars, Chair

Reports filed. On motion of Representative Buttars, the reports of the Natural Resources, Agriculture, and Environment committee were adopted.

**H.B. 198** and **H.B. 202**, read the second time by short title and placed on the Consent Calendar.

**H.B. 192**, read the second time by short title and placed on the calendar for third reading.

## INTRODUCTION OF BILLS

### LEGISLATOR REPORTING OF GIFTS

**H.B. 120**

*Jackie Biskupski*

THIS ACT MODIFIES TITLE 36, LEGISLATURE. THIS ACT REQUIRES THAT LEGISLATORS REPORT CERTAIN EXPENDITURES MADE TO BENEFIT THEM AND THEIR IMMEDIATE FAMILIES AND DEFINES THE SCOPE AND PROCESS FOR MEETING THAT REQUIREMENT. THIS ACT REPEALS PROVISIONS REQUIRING LOBBYISTS, PRINCIPALS, AND GOVERNMENT OFFICERS TO REPORT EXPENDITURES MADE TO LEGISLATORS, read the first time by short title and referred to the Rules Committee.

### EDUCATION RESOURCE CONSERVATION PROGRAMS

**H.B. 153**

*Ralph Becker*

THIS ACT MODIFIES THE STATE SYSTEM OF PUBLIC EDUCATION CODE BY CREATING A RESOURCE CONSERVATION PROGRAM FOR

PUBLIC EDUCATION. THIS ACT PROVIDES DEFINITIONS. THIS ACT ESTABLISHES THE RESOURCE CONSERVATION ADVISORY BOARD, INCLUDING ITS COMPOSITION AND RESPONSIBILITIES. THIS ACT SPECIFIES SCHOOL DISTRICT AND CHARTER SCHOOL RESPONSIBILITIES RELATING TO RESOURCE CONSERVATION, INCLUDING THE REQUIREMENT TO DESIGNATE A RESOURCE CONSERVATION MANAGER. THIS ACT PROVIDES THE STATE BOARD OF EDUCATION RULEMAKING AUTHORITY TO PROVIDE STANDARDS AND GUIDELINES FOR RESOURCE CONSERVATION AND RESOURCE CONSERVATION MEASURES WITHIN THE PUBLIC EDUCATION SYSTEM, read the first time by short title and referred to the Rules Committee.

### **INCORPORATION OF CITIES**

#### **H.B. 158**

*Brad L. Dee*

THIS ACT MODIFIES THE UTAH MUNICIPAL CODE TO EXPAND APPLICATION OF A PROVISION ALLOWING AN OWNER OF PROPERTY TO EXCLUDE THAT PROPERTY FROM A PROPOSED MUNICIPAL INCORPORATION SO THAT THE PROVISION APPLIES TO PROPOSED INCORPORATIONS IN COUNTIES OF THE SECOND CLASS, read the first time by short title and referred to the Rules Committee.

### **UNFINISHED BUSINESS**

On motion of Representative Bennion, the House voted to uncircle **Sub. H.J.R. 7.**

**Sub. H.J.R. 7**, RESOLUTION ON SPECIAL SESSIONS OF THE LEGISLATURE, was before the House on its final passage.

Representative Harper proposed the following amendment:

1. Page 1, Line 1:  
After "RESOLUTION ON" delete "SPECIAL"
2. Page 1, Line 14:  
After "Legislature." insert "The joint resolution modifies the calculation of the length of annual general sessions of the Legislature."
3. Page 2, Line 28:  
After "calendar days" insert ", excluding Saturdays and Sundays"
4. Page 2, Line 38:  
After "(a)" delete "45." and after "session" insert ", the number of days specified in Subsection (1)(a)"

Representative Harper's motion to amend failed on a voice vote.

**Sub. H.J.R. 7** then passed on the following roll call:

**Yeas, 51; Nays, 24; Absent or not voting, 0.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	Anderson
Bennion	Bigelow	Bird	Bowman
Bryson	Buffmire	Bush	Buttars
Buxton	D. Clark	S. Clark	Curtis
Dayton	Dee	Dillree	Donnelson
Duckworth	Dunnigan	Ferrin	Ferry
Goodfellow	Gowans	Hansen	Harper
Hendrickson	Hogue	Holdaway	E. Hutchings
B. Johnson	King	Lawrence	Lockhart
Love	Mascaro	McCartney	McGee
Morley	Murray	Newbold	Noel
Parker	Philpot	Thompson	Ure
Urquhart	Wallace	M. Stephens	

**Voting in the negative were:** Representatives

S. Allen	Barrus	Becker	Biskupski
Bourdeaux	Christensen	D. Cox	Daniels
Dougall	Hardy	Hughes	Jones
Kiser	Last	Litvack	Morgan
Moss	Pace	Peterson	Seitz
Shurtliff	G. Snow	Styler	Winn

**Sub. H.J.R. 7** transmitted to the Senate for its consideration.

### UNFINISHED BUSINESS

On motion of Representative Snow, the House voted to uncircle **Sub. H.B. 78**.

**Sub. H.B. 78**, LIEN RECOVERY FUND - RATE OF INTEREST, was before the House on its final passage.

Representative Daniels declared a conflict of interest because he is an attorney.

Representative Christensen proposed the following amendment:

1. Page 2, Line 46:  
After "director." insert "Partial recovery of a claim hereunder does not prohibit the independent recovery thereof by the claimant."

Representative Christensen's motion to amend failed on the following roll call:

**Yeas, 28; Nays, 40; Absent or not voting, 7.**

**Voting in the affirmative were:** Representatives

S. Allen	Becker	Biskupski	Bourdeaux
Bryson	Buffmire	Christensen	Dougall
Duckworth	Goodfellow	Hardy	Hughes
E. Hutchings	King	Kiser	Last
Litvack	Love	McGee	Morgan
Moss	Newbold	Noel	Philpot
Seitz	Thompson	Ure	Wallace

**Voting in the negative were:** Representatives

Aagard	Adams	Anderson	Barrus
Bennion	Bigelow	Bird	Bush
Buttars	Buxton	D. Clark	S. Clark
D. Cox	Curtis	Dayton	Dee
Dillree	Donnelson	Dunnigan	Ferrin
Ferry	Hansen	Harper	Hogue
Holdaway	B. Johnson	Jones	Lawrence
Lockhart	Mascaro	Morley	Murray
Pace	Parker	Peterson	Shurtliff
G. Snow	Styler	Urquhart	M. Stephens

**Absent or not voting were:** Representatives

Alexander	Bowman	Daniels	Gowans
Hendrickson	McCartney	Winn	

**Sub. H.B. 78**, as amended, then passed on the following roll call:

**Yeas, 58; Nays, 13; Absent or not voting, 4.**

**Voting in the affirmative were:** Representatives

Aagard	Adams	Alexander	S. Allen
Anderson	Barrus	Bennion	Bigelow
Bird	Biskupski	Bourdeaux	Bryson
Bush	Buttars	Buxton	Christensen
D. Clark	S. Clark	D. Cox	Curtis
Dayton	Dee	Dillree	Donnelson
Dougall	Dunnigan	Ferrin	Ferry
Hansen	Hardy	Harper	Hendrickson

Hogue	Holdaway	Hughes	E. Hutchings
B. Johnson	Kiser	Last	Lawrence
Lockhart	Love	Mascaro	Morley
Murray	Newbold	Noel	Pace
Parker	Peterson	Philpot	Seitz
G. Snow	Styler	Ure	Urquhart
Wallace	M. Stephens		

**Voting in the negative were:** Representatives

Becker	Buffmire	Daniels	Duckworth
Goodfellow	Jones	King	Litvack
McGee	Morgan	Moss	Shurtliff
Thompson			

**Absent or not voting were:** Representatives

Bowman	Gowans	McCartney	Winn
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**Sub. H.B. 78**, as amended, transmitted to the Senate for its consideration.

**MISCELLANEOUS BUSINESS**

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